

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Pursuant to the authority of Iowa Code section 10A.104(8), the Department of Inspections and Appeals hereby amends Chapter 25, "Iowa Targeted Small Business Certification Program," Iowa Administrative Code.

The amendments implement changes to Iowa Code chapter 73, "Preferences," resulting from legislation in 2015 Iowa Acts, Senate File 499. The legislation adds "service-disabled veteran" to the categories of persons who may seek targeted small business certification.

The Department does not believe that the amendments pose a financial hardship on any regulated entity or individual.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 2, 2015, as **ARC 2122C**. The Department received no comments during the public comment period. These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 10A.104(8) and Iowa Code chapter 73 as amended by 2015 Iowa Acts, Senate File 499.

These amendments will become effective December 2, 2015.

The following amendments are adopted.

ITEM 1. Adopt the following **new** definition of "Service-disabled veteran" in rule **481—25.1(73)**:
"Service-disabled veteran" means the same as defined in 15 U.S.C. Section 632.

ITEM 2. Amend rule **481—25.1(73)**, definitions of "Targeted group persons (TGP)" and "Targeted small business owner," as follows:

"Targeted group persons (TGP)" means minorities, women, and persons with disabilities, and service-disabled veterans. ~~In order to be considered a person with a disability for the purpose of the TSB program, the person must qualify and receive certification as having a disability from a licensed medical physician or must have been found eligible for vocational rehabilitation services by the Department of Education, Division of Vocational Rehabilitation services, or by the department for the blind.~~

"Targeted small business owner" means one or more women, minorities, persons with disabilities, service-disabled veterans, or a combination thereof, owning at least 51 percent of a business.

ITEM 3. Adopt the following **new** subrule 25.2(8):
25.2(8) Disability determinations.

a. *Person with a disability.* In order to be considered a person with a disability for the purpose of the TSB program, the person must qualify and receive certification as having a disability from a licensed medical physician or must have been found eligible for vocational rehabilitation services by the department of education, division of vocational rehabilitation services, or by the department for the blind.

b. *Service-disabled veteran.* In order to be considered a service-disabled veteran for the purpose of the TSB program, the person must provide written verification from the Veterans Administration or the United States Department of Defense of a service-connected disability, as defined in 38 U.S.C. Section 101(16).

ITEM 4. Amend paragraph **25.4(1)"e"** as follows:

e. The targeted group person owner(s) shall have independent authority and ability to incur liability and to decide financial and policy questions. The business arrangements of owners, directors, officers or key employees with businesses which are not minority-, woman-, or persons with disabilities-

or service-disabled veteran-owned shall not vary from common industry practice. Each industry has practices which differ from other industries.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/28/15.